

**City Council of the Mayor and Council of New Castle**  
**Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle**  
**Tuesday – May 10, 2011 – 7 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Cochran  
Councilperson John Gaworski  
Councilperson Ted Megginson

**Absent:**

Councilperson Teel Petty

**Also present:** Mayor Donald Reese, Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Daniel Losco, Police Chief Kevin McDerby, Building Official Jeff Bergstrom

**Approval of Minutes by Date**

A motion was made by Councilperson Gaworski to approve the minutes of March 31, 2011, April 11, 2011 and April 12, 2011, as presented. The motion was seconded by Councilperson Megginson. The motion was approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of April 30, 2011, total petty cash on hand, \$1,100; total monthly deposit, \$535,903.11; total cash in accounts, \$410,846.87; total certificates of deposit, money market and Delaware Government Investment Pool, \$1,682,979.32; and total cash on hand, \$2,093,826.19.

Councilperson Cochran made a motion to accept the report. Councilperson Gaworski seconded the motion. The motion passed unanimously.

**Report from the City Administrator**

Her written report was provided to Council. She highlighted a couple of items in the report. She was contacted by a consultant working for BP, which owns the Amoco Chemical that blew up in 1980. It is working with DNREC to do a final cleanup. It was close to the City. The Fire Chief and the Police Chief attended the meeting as well. Of biggest concern for the City was the additional truck traffic, which would be 10 to 20 additional trucks per day. The City recommended an alternative route. The company agreed to use the alternative route despite the additional cost of \$60,000.

That work will start soon. It is closest to Riverbend.

Mrs. Thomas said DelDOT is planning to hold a public hearing later in May regarding plans DelDOT is proposing related to traffic flow in the City.

**Grant Review**

Councilperson Cochran provided the review. Grant activity: Banks Building \$4,000; Buttonwood Drainage, \$18,030; Flood/dike control, \$100,000; Broad Dike wetland protection, \$800,000; Green-project storm and water, \$1,710,627; recycling grant, \$24,000; and tobacco prevention, \$9,997.

**Business from the Floor**

Dan Plumly said the Amoco site used to be very contaminated. He wanted to bring it to the City's attention. It is very contaminated soil.

Administrator Thomas said this work represents the final phase of clean-up for the site. She offered to provide Mr. Plumly with additional information, after the meeting. The main item being removed in the final phase is the polypropylene pellets. DENREC is the agency overseeing the work.

### **Business from the Mayor**

Mayor Reese thanked Hick Rowland for his years of service as the representative to MSC. Roy Sippel will be taking that position on the MSC board. Mr. Sippel was appointed by the former mayor. Mayor Reese said although it was a last-minute appointment, Mr. Sippel had expressed interest previously. He has a background in chemistry.

Mr. Sippel, of Second Street, introduced himself and provided information on his background.

Mayor Reese said he was nominating individuals for the Planning Commission: Florence Smith, David Bird and Jack Norsworthy for 3-year terms, and Jonathan Justice to fill a vacancy. Mr. Justice lives on Second Street and works at the University of Delaware.

### **Unfinished Business**

1. Third Reading, Motion, Discussion and Vote on Ordinance No. 480, Amending the City Code concerning the process relative to Zoning Amendments

President Barthel read the proposed ordinance.

Councilperson Cochran made a motion to adopt the ordinance. Councilperson Gaworski seconded the motion. The motion passed unanimously.

2. Third Reading, Motion, Discussion and Vote on Ordinance No. 482, amending the New Castle City Code, Section 140: Housing and Property Maintenance.

President Barthel read the proposed ordinance.

Councilperson Megginson made a motion to adopt the ordinance. Councilperson Gaworski seconded the motion. The motion passed unanimously.

### **New Business**

1. Presentation by Mark Chura on Rt. 273 Sidewalk Improvement Project & Grant  
Mark Chura of Delaware Greenways said there is an effort to connect the New Castle Industrial Track trail across the Christina River into Wilmington. It is part of a trail for biking across multiple states. One missing piece is to create a separated bike-pedestrian system.

There is a three-step process by DelDOT, including public outreach and design efforts. The intent on the project is an 80-20 match. There are two ways to match: a hard match or land. Credit is given for easements. The goal is to not cost the City any money.

They are looking at a 10-foot-wide asphalt trail. They have talked with DelDOT about period lighting and sycamores. It would start at Hares Corners and go toward Route 141.

He described the base project and additional stages that would go to the Industrial Track trail and potentially further.

Mr. Chura said DelDOT will pay for the acquisition and the installation of lights. However, the municipality would be required to make it part of the lighting system. A second issue is maintenance. DelDOT is looking for the City to take responsible for it.

Delaware Greenways group does cleanup work, but can't do major items, such as a cutting across the asphalt. The City would be responsible. He does not believe there will be a requirement for snow removal. Resurfacing may be needed at some point.

Councilperson Megginson asked how close to the edge of the road it will be.

Mr. Chura said as close within the right-of-way to the road as possible. He has been told that widening Frenchtown Road is not in the plans for the next 15-20 years. If it is widened, there still should be a path built into the project.

Councilperson Cochran asked if the City would have any decision-making in the lampposts and the lighting. Mr. Chura said yes.

Mr. Sippel said MSC is meeting on May 16 to look at the costs.

Councilperson Gaworski said he was disgusted with the progress of Route 273 because of the traffic. He said it is ridiculous they want to put bikes on it.

Mr. Chura said it is different pot of money. It is not a decision between the trail and the road. The decision is do you want it here or in Kent and Sussex counties.

Administrator Thomas asked about the trails on the Penn Farm. The details of the agreement still need to be worked. She asked if this was another grant the City would be involved in pursuing.

President Barthel said as long as the City is covered with checks and balances, and getting the agreements worked out he does not see a problem with going to a public hearing.

2. Motion, Discussion and Vote on Resolution No. 2011-15 to Confirm the Mayor's Appoint of Planning Commission members.

Councilperson Megginson made a motion to pass the resolution. Councilperson Cochran seconded the motion. The motion passed unanimously.

3. Motion, Discussion and Vote on Resolution No. 2011-17 to Appoint Members to a Committee to recommend to the City Council changes to the City Charter.

The Committee: Chair Genevieve Miller, Monroe Gerhart, John Houben, Josephine Moore, City Solicitor Dan Losco.

Councilperson Cochran made a motion to pass the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

4. Motion, Discussion and Vote on Resolution No. 2011-18 to Appoint Tree Commission members.

Councilperson Cochran made a motion to pass the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

The members appointed were Mark Miller, Ervin Thatcher and Thomas Truman.

5. Motion, Discussion and Vote on Resolution No. 2011-19, a resolution setting a fee for Rental Housing Business Licenses.

Councilperson Gaworski made a motion to pass the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

President Barthel said Council is not changing anything in the resolution; the resolution is a result of having changed the ordinance.

6. Motion, Discussion and Vote on Resolution No. 2011-20 to Accept a Grant in the amount of \$24,220 from DNREC and to Sign the Grant Contract Relative to Recycling.

Councilperson Cochran made a motion to pass the resolution. Councilperson Gaworski seconded the motion. The motion passed unanimously.

Administrator Thomas said City employee Bud Waraksa, who recently passed away, had the biggest hand on the staff on this, working with George O'Neal. This grant uses funds created by the State from the 4 cent beverage container fee. The funds are directed at helping municipalities fund recycling programs. The City received funds for its startup costs for the recycling program.

7. Motion, Discussion and Vote on Resolution No. 2011-21 to Approve the Hiring of a new Employee for the Finance Department.

Councilperson Cochran made a motion to pass the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

8. Motion, Discussion and Vote on Resolution No. 2011-22, a Resolution for the City to Move Forward With a Process to Sell City-Owned Property at 19 Arbutus.

Councilperson Gaworski made a motion to pass the resolution. Councilperson Megginson seconded the motion. The motion passed unanimously.

9. Comments from the floor.

A resident who lives at 9<sup>th</sup> and Gray Street, said two years ago new townhouses were built. He does not understand why the street there has never been fixed and they were given Certificates of Occupancy when they have not been fixed. He has talked with the Code Enforcement Officer three times about it and nothing has happened. Also when they built the new big apartment building they put all the debris in a big pile. His deck looks out at it. They were given Certificate of Occupancies. He also complained about the condition of the park by the water tower, with high weeds and mud, and not having wood chips.

Building Official Bergstrom said the street issue is not completely the fault of the contractor. Part of it is the County, which needs to come back to do work. He said he has regularly been contacting the County about it.

Regarding the pile near the apartments, Mr. Bergstrom said he has talked with the contractor and owner and he expected it would be taken care of by now.

President Barthel said to address it through an official letter to them instead of a conversation. That would put the entities on notice.

Councilperson Megginson said it is currently mud in the park and the City is trying to get it dried up. He said the Public Works Department will take care of the issues with the park.

Dan Plumly said Seventh Street is the only street in town without a walkway. There are no sidewalks. He suggests at least replace the batteries on the lights on the stop signs.

Jeff Taylor from the Jaycees asked if there is anything the Jaycees can do to help to fix up the Banks Building.

President Barthel said the City is aware of the issues and for the summer it is not opening the building. The City needs to come to some resolution on it. If there is something the Jaycees can do to help the City will bring it to their attention. He expressed thanks for their interest.

Councilperson Cochran made a motion to adjourn the meeting into an Executive Session to discuss personnel matters.

Councilperson Gaworski seconded the motion. It passed unanimously.

The regular meeting adjourned at 8:20 p.m.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk